



FEDERAL ELECTION COMMISSION
Washington, DC 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Utah Democratic Party
Wayne Holland, Jr.
455 South 300 East
Suite 301
Salt Lake City, UT 84111

MAR 5 2009

RE: MUR 5598

Dear Mr. Holland:

This is in reference to the complaint that Donald Dunn, the then Chairman of the Utah Democratic Party, filed with the Federal Election Commission on November 1, 2004, which alleged that John Swallow for Congress, Inc., the National Republican Campaign Committee, the Utah Republican Party, Joseph A. Cannon, the then Chairman of the Utah Republican Party, and John Swallow violated the Federal Election Campaign Act of 1971, as amended (the "Act"). Based on that complaint, and other available information, the Commission, on July 27, 2006, found that there was reason to believe that the Utah Republican Party (Federal Account) and Mike McCauley, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a(a)(2)(A), 434(b), and 441d, and instituted an investigation of this matter. However, after considering the circumstances of this matter, on February 11, 2009, the Commission dismissed this matter in an exercise of prosecutorial discretion. *See Heckler v. Chaney*, 470 U.S. 821 (1985). A Statement of Reasons further explaining the Commission's decision will follow.

The file in this matter is now closed. Documents related to the case will be placed on the public record within 30 days. *See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files*, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 2 U.S.C. § 437g(a)(8).

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If you have any questions, please contact Jack Gould, the attorney assigned to this matter,
at (202) 694-1650.

Sincerely,

Thomasenia P. Duncan
General Counsel



BY: Mark Allen
Assistant General Counsel

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